IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

WILLIAM C. SPENT, JR. D/B/A SPENT	§	
SADDLERY & FEEDS,	§	
	§	
PLAINTIFF,	§	
	§	No. SA-09-CV-0838-XR
V.	§	
	§	
LONE STAR SILVERSMITH, INC.	§	
MONTANA SILVERSMITHS, INC.,	§	
GROUP MONTANA, INC.,	§	
AWARD DESIGN MEDALS, INC.	§	
GEOLFOS SILVERSMITHS, INC.,	§	
JEFF DEES, DAN GEOLFOS, AND	§	
WENDELL HAMILTON		

DEFENDANTS.

AGREED MOTION FOR PERMANENT INJUNCTION AND DISMISSAL WITH PREJUDICE

Plaintiff, William C. Spent, Jr., Individually and d/b/a Spent Saddlery & Feeds ("Plaintiff") and Defendants Lone Star Silversmith, Inc. and Jeff Dees ("Settling Defendants"), file this Agreed Motion to Dismiss with Prejudice, and would respectfully show the Court as follows:

1. Plaintiff and Settling Defendants have settled all disputes between them regarding this litigation, and therefore, wish to dismiss with prejudice all claims made or which could have been made in this lawsuit by Plaintiff or Settling Defendants.

- 2. Pursuant to the Texas Rules of Civil Procedure, Plaintiffs and Settling Defendants ask the Court to dismiss the claims asserted by and between Plaintiffs on the one hand and Settling Defendants on the other.
- 3. Settling Defendants have agreed that effective upon the Court's entry of the attached Order of Dismissal with Prejudice, Lone Star Silversmith, Inc., the officers, agents, entities and/or any other persons acting in active concert with Lone Star Silversmith, Inc., and Jeff Dees shall be enjoined from manufacturing, distributing, selling, advertising, displaying, and/or offering for sale any product containing or incorporating Plaintiff's Protected Work as set forth in U.S. Copyright Certificate of Registration No. VA 454 311.
- 4. This Motion does not apply to any non-settling Defendants added to the case, including Montana Silversmiths, Inc., Group Montana, Inc., Geolfos Silversmiths, Inc., Award Design Medals, Inc., Dan Geolfos and Wendell Hamilton

WHEREFORE, premises considered, Plaintiff, William C. Spent, Jr., Individually and d/b/a Spent Saddlery & Feeds, and Settling Defendants, Lone Star Silversmith, Inc. and Jeff Dees, respectfully request that the Court enter an order granting the agreed permanent injunction and dismissing the claims made by and between Plaintiff and Settling Defendants with Prejudice.

Respectfully Submitted,

By: /s/ Stephen A. Kennedy

STEPHEN A. KENNEDY

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ATTORNEYS FOR PLAINTIFF

WILLIAM C. SPENT, JR. D/B/A SPENT SADDLERY & FEEDS

By: <u>/s/ Richard A. Sparr, Jr.</u>

Richard A. Sparr, Jr. State Bar No.18887300

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ATTORNEYS FOR THE DEFENDANTS

LONE STAR SILVERSMITH, INC. AND JEFF DEES

CERTIFICATE OF SERVICE

On November 30, 2010, I served the foregoing document via United States mail on all counsel of record.

/s/ Stephen A. Kennedy
Stephen A. Kennedy